

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIMON PROPERTY GROUP, L.P.,

Plaintiff,

-against-

21-cv-7850 (PKC)

ORDER

U.S. BANK NATIONAL ASSOCIATION.,

Defendant.
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CASTEL, U.S.D.J.


Federal courts are courts of limited jurisdiction. See, e.g., Gunn v. Minton, 568 U.S. 251, 256 (2013). “An argument that subject-matter jurisdiction is lacking may be raised at any time, by any party, or even sua sponte by the court.” Presidential Gardens Assocs. v. U.S. ex rel. Sec’y of Hous. & Urban Dev., 175 F.3d 132, 140 (2d Cir. 1999).

Section 1332(a)(1) provides that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.” 28 U.S.C. § 1332(a). An action premised upon diversity of citizenship in which a limited partnership is a party must allege the citizenship of natural persons who are members of the limited partnership and the place of incorporation and principal place of business of any corporate entities that are members of the limited partnership. See Handelsman v. Bedford Village Associates Ltd. Partnership, 213 F.3d 48, 52 (2d Cir. 2000) (citing Carden v. Arkoma Assocs., 494 U.S. 185, 195-96 (1990)).

The Complaint alleges that defendant U.S. Bank National Association is a national association bank with its main office and principal place of business in Ohio, and that plaintiff Simon Property Group, L.P. (“SPG”) is a limited partnership organized and existing under the laws of Delaware with its principal place of business in Indiana. (Compl. ¶¶ 1,3.) The Complaint does not allege the citizenship of the members of SPG.

By May 31, 2022, SPG shall file an affidavit from a person with knowledge setting forth the citizenship of all members of SPG.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
May 23, 2022